

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FLEETWOOD SERVICES, LLC, :
Plaintiff, : 20-cv-5120 (LJL)
RAM CAPITAL FUNDING, LLC, TSVI REICH :
a/k/a STEVE REICH, RICHOMOD CAPITAL :
GROUP LLC n/k/a RCG ADVANCES LLC, and :
ROBERT GIARDINA, :
Defendants. :
-----X

THE STATE OF TEXAS : §
§
COUNTY OF DALLAS : §

I declare the following is true and correct under penalty of perjury:

1. My name is Wendy D. Dawer, and I am an attorney with the law firm of Jones, Davis & Jackson, PC, the attorneys of record for the Plaintiff in the above-referenced lawsuit. I am over twenty-one (21) years of age, am of sound mind, have never been convicted of a felony crime or a crime involving moral turpitude, and am otherwise fully competent to make this Declaration.

2. I have been licensed by the Supreme Court of Texas to practice law in the State of Texas since 2005 and by the State of California since 1986, and I am a member in good standing with the State Bar of Texas. A substantial percentage of my practice involves commercial litigation. I have practiced law in many counties throughout the State of Texas, including Dallas County. The facts stated herein are true and correct and are within my personal knowledge.

3. The Plaintiff has incurred reasonable and necessary attorneys' fees for legal services in connection with the lawsuit filed against defendant Ram Capital Funding, LLC ("Ram") in the District Court of Dallas County, State of Texas ("Texas Lawsuit"), related to the above-referenced matter. I am familiar with the legal services which have been provided to the Plaintiff in the Texas Lawsuit as detailed on Exhibit "A," attached hereto.

4. I am familiar with what reasonable and necessary attorneys' fees are in Dallas County, Texas, in cases similar to the above-referenced matter, and I have an opinion as to what reasonable and necessary attorneys' fees are in this case for the legal services performed in the Texas Lawsuit during the period May 5, 2017 through December 19, 2017. The legal services performed in this lawsuit included consultation with the client, investigation, legal research, correspondence, preparation of the Plaintiff's Original Petition, propounding written discovery, communications with counsel, and preparing the Plaintiff's Response to Defendant Ram's Motion to Dismiss.

5. I have performed legal services in this matter and my billing rate is \$280.00 per hour, which, in my opinion, is a reasonable rate for the services rendered in Dallas County, Texas. I have performed 97.0 hours of legal work at the rate of \$280.00 per hour for a total of \$27,160.00

6. Mathew K. Davis, another attorney with Jones, Davis & Jackson, PC, licensed by the State of Texas since 1989, has performed legal services in this matter and her billing rate is \$350.00 per hour, which, in my opinion, is a reasonable rate for the services rendered in Dallas County, Texas. He has performed 54.4 hours of legal work at the rate of \$350.00 per hour for a total of \$19,040.00.

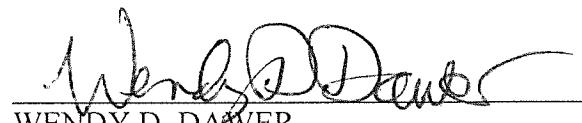
7. Based on my experience, the results obtained, the customary fee charged in such cases and the legal services performed in the Texas Lawsuit, it is my opinion that a reasonable

and necessary attorneys' fee for the services performed on behalf of the Plaintiff in connection with the Texas Lawsuit is \$46,200.00

8. In addition, Plaintiff incurred court costs in the amount of \$715.83 for the filing fee and preparation of the citations, and also incurred court costs in the amount of \$150.60 for service fees, for a total of \$866.43 in court costs. Additionally, Plaintiff incurred \$1,760.12 in expenses for legal research and parking.

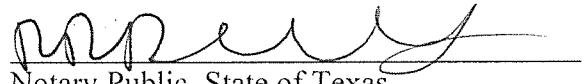
9. I declare under penalty of perjury that the foregoing is true and correct.

FURTHER SAITH NOT.

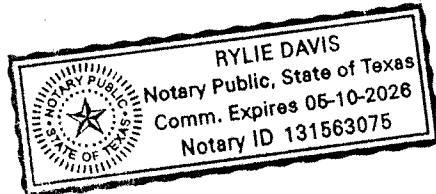


WENDY D. DAWER

SWORN TO AND SUBSCRIBED TO BEFORE ME by Wendy D. Dawer, on this 28th day of June 2022.



Notary Public, State of Texas



Jones, Davis & Jackson PC**Wendy D. Dawer**

15110 Dallas Parkway, Suite 300
 Dallas, TX 75248
 972.733.3117

Date: June 21, 2022
 Invoice Number: 001

Re: Fleetwood Services, LLC, Robert L. Fleetwood and Pamela A. Fleetwood v. Ram Capital Funding, LLC;
 Cause No DC-17-08904

Time Details

Date	Professional	Description	Hours	Rate	Amount
5/5/2017	WDD	Meet with Clients; review Client Documents	4.00	\$280.00	\$ 1,120.00
5/5/2017	MKD	Meet with Clients; review Client Documents	4.00	\$350.00	\$ 1,400.00
5/10/2017	WDD	Prepare demand letter to RAM Capital Funding; confer with client; confer with MKD	2.50	\$280.00	\$ 700.00
5/10/2017	MKD	Confer with WDD; review and revise demand letter to Ram Capital Funding	0.40	\$350.00	\$ 140.00
5/19/2017	WDD	Review e-mail from attorney Rabinovich offering settlement of \$18,000; confer with client; prepare response to same	0.80	\$280.00	\$ 224.00
5/22/2017	WDD	Review e-mail from attorney Rabinovich offering to send back \$44,667.00; review accounting provided by Ram Capital Funding attorney; confer with client	0.50	\$280.00	\$ 140.00
5/25/2017	WDD	E-mail to attorney Rabinovich re discrepancy in Ram's accounting	0.50	\$280.00	\$ 140.00
5/26/2017	WDD	E-mails to and from attorney Rabinovich related to additional accounting information and demand for \$72,167; confer with MKD re same; confer with client	1.20	\$280.00	\$ 336.00
5/26/2017	MKD	Confer with WDD re e-mails exchanged with attorney Rabinovich	0.60	\$350.00	\$ 210.00
5/30/2017	WDD	E-mails to and from attorney Rabinovich related to counter offers and demands	0.30	\$280.00	\$ 84.00
6/8/2017	WDD	E-mails to and from attorney Rabinovich related to status of settlement negotiation	0.40	\$280.00	\$ 112.00
6/12/2017	WDD	E-mails to and from attorney Rabinovich related to Fleetwood's demand for settlement; confer with MKD re proceeding with Petition	0.80	\$280.00	\$ 224.00
6/12/2017	MKD	Confer with WDD re proceeding with lawsuit	0.80	\$350.00	\$ 280.00

7/1/2017	WDD	Draft Petition against Ram Capital Funding	6.00	\$280.00	\$	1,680.00
7/3/2017	MKD	Review draft Petition against Ram Capital Funding	0.70	\$350.00	\$	245.00
7/15/2017	WDD	Revise Petition against Ram Capital Funding	3.30	\$280.00	\$	924.00
7/17/2017	MKD	Review and further revise petition against Ram Capital Funding	2.80	\$350.00	\$	980.00
7/19/2017	WDD	Confer with MKD regarding revisions to Petition against Ram Capital Funding; further review and revise same	2.00	\$280.00	\$	560.00
7/19/2017	MKD	Continued revision of Petition against Ram Capital Funding; confer with WDD regarding same	3.20	\$350.00	\$	1,120.00
7/20/2017	MKD	Finalize Petition against Ram Capital Funding; confer wth WDD regarding same	1.70	\$350.00	\$	595.00
7/21/2017	WDD	Prepare letter to attorney Rabinovich; e-mails to and from client; confer with MKD regarding latest revisions to Petition against Ram Capital Funding	1.80	\$280.00	\$	504.00
7/21/2017	MKD	Further revisions to Petition against Ram Capital Funding; review letter to attorney Rabinovich regarding settlement; confer with WDD re same	2.20	\$350.00	\$	770.00
7/24/2017	WDD	E-mail to and from attorney Rabinovich re offer of partial settlement offer; e-mails to and from client re same; confer with MKD re same	0.80	\$280.00	\$	224.00
7/26/2017	WDD	E-mail to and from attorney Rabinovich rejecting settlement offer; attend to finalizing Petition against Ram Capital Funding for filing; confirming addresses for service; confer with MKD re status of RAM counsel and service of petition	3.30	\$280.00	\$	924.00
7/26/2017	MKD	Further revisions to Petition against Ram Capital Funding; review e-mails from attorney Rabinovich re termination of her representation of Ram Capital Funding; review of service issues; confer with WDD re same	3.30	\$350.00	\$	1,155.00
8/2/2017	WDD	Review of Return of Service on Ram Capital Funding	0.20	\$280.00	\$	56.00
8/2/2017	MKD	Attend to service issues and answer deadlines; confer with WDD re same	0.40	\$350.00	\$	140.00
8/9/2017	WDD	Confer with MKD regarding UCC-1s filed by Ram	0.20	\$280.00	\$	56.00

8/9/2017	MKD	Confer with WDD regarding UCC-1s filed by Ram	0.20	\$350.00	\$	70.00
8/30/2017	WDD	Review Special Appearance by Ram; prepare discovery to Ram (Request for Admissions, Request for Production, and interrogatories); confer with MKD re same; review client's document	4.50	\$280.00	\$	1,260.00
8/30/2017	MKD	Review of status of matter and responsive pleading; review and revise proposed discovery to Ram	1.80	\$350.00	\$	630.00
8/31/2017	WDD	Prepare status update to client	0.20	\$280.00	\$	56.00
9/1/2017	WDD	Further reviese discovery to Ram; prepare letter to opposing counsel serving discovery	4.00	\$280.00	\$	1,120.00
9/1/2017	MKD	Further review and revise discovery to Ram	1.20	\$350.00	\$	420.00
9/3/2017	WDD	Revise and finalize discovery to Ram; gather exhibits to be included; confer with MKD re same	4.80	\$280.00	\$	1,344.00
9/3/2017	MKD	Review finalized discovery to Ram	0.50	\$350.00	\$	175.00
9/7/2017	WDD	Review Ram Capital Funding's Motion to Dismiss and Notice of Hearing; confer with MKD re same; confer with client re same	2.20	\$280.00	\$	616.00
9/7/2017	MKD	Review Ram Motion to Dismiss; research regarding response to Motion to Dismiss and forum selection clause	1.70	\$350.00	\$	595.00
9/8/2017	WDD	Confer with MKD re response to Ram's Motion to Dismiss; confer with attorneys Heskin and MKD	0.80	\$280.00	\$	224.00
9/8/2017	MKD	Confer with WDD regarding response to Ram's Motion to Dismiss and information obtained from other jurisdictions	0.50	\$350.00	\$	175.00
9/13/2017	MKD	Further review of issues related to forum selection clause and Motion to Dismiss	0.80	\$350.00	\$	280.00
9/22/2017	WDD	Review Ram's Withdrawal of Special Appearance	0.20	\$280.00	\$	56.00
9/23/2017	WDD	Conduct legal research in preaparion of Response to Ram's Motion to Dismiss	2.70	\$280.00	\$	756.00
9/25/2017	MKD	Review status of outstanding discovery responses by Ram; review e-mail from attorney Cross regarding same	0.30	\$350.00	\$	105.00
9/27/2017	WDD	Review Ram's Motion for Protective Order and produced documents	3.80	\$280.00	\$	1,064.00
9/27/2017	MKD	Review Ram's produced documents	0.50	\$350.00	\$	175.00

9/29/2017	WDD	Review Ram's response to Request for Production, Request for Admissions and Interrogatories;	0.50	\$280.00	\$	140.00
9/29/2017	MKD	Review Ram's objections to discovery	0.30	\$350.00	\$	105.00
10/2/2017	WDD	Confer with MKD re Ram discovery issues; meet with MKD re pending Motion to Dismiss	0.80	\$280.00	\$	224.00
10/2/2017	MKD	Confer with WDD regarding Ram discovery issues; meet with WDD regarding status of response to Ram's pending Motion to Dismiss	0.80	\$350.00	\$	280.00
10/3/2017	WDD	Confer with counsel for Ram; confer with MKD regarding Ram discovery issues and responding to Motion to Dismiss	1.50	\$280.00	\$	420.00
10/3/2017	MKD	Confer with WDD regarding Ram Discovery issues and response to Ram Motion to Dismiss and available options	1.50	\$350.00	\$	525.00
10/4/2017	WDD	Review letter from attorney Cross and proposed Rule 11 Agreement re Written Discovery	0.80	\$280.00	\$	224.00
10/5/2017	WDD	In depth review of Ram MCA Agreement in preparation of responding to Ram Motion to Dismiss	3.70	\$280.00	\$	1,036.00
10/5/2017	MKD	Research and draft Response to Ram's Motion to Dismiss; analysis of Ram MCA Agreement prepared by WDD	2.70	\$350.00	\$	945.00
10/10/2017	WDD	Draft response to Ram Motion to Dismiss	4.50	\$280.00	\$	1,260.00
10/10/2017	MKD	Research and revise Response to Ram's Motion to Dismiss;	2.80	\$350.00	\$	980.00
10/11/2017	WDD	Further prepare Response to Ram's Motion to Dismiss	4.70	\$280.00	\$	1,316.00
10/13/2017	MKD	Research, review and further revise Response to Ram's Motion to Dismiss; confer with WDD re same	1.50	\$350.00	\$	525.00
10/14/2017	WDD	Review and revise Response to Ram's Motion to Dismiss; draft affidavits in support	1.80	\$280.00	\$	504.00
10/16/2017	MKD	Further research for Response to Ram's Motion to Dismiss	0.50	\$350.00	\$	175.00
10/18/2017	WDD	Finalize response to Ram's Motion to Dismiss and Affidavits in support; gather exhibits to be included	11.50	\$280.00	\$	3,220.00
10/18/2017	MKD	Final revisions to Response to Ram's Motion to Dismiss and Special Appearance	6.70	\$350.00	\$	2,345.00

DATE	PROFESSIONAL	DESCRIPTION	TIME	RATE	AMOUNT
10/22/2017	WDD	Review client documents, research and pleadings in preparation for hearing on Ram's Motion to Dismiss; review Reply filed by Ram; review Affidavit of Tzvi Reich offered by Ram in support of Motion to Dismiss; review Ram's proposed Order; prepare Plaintiff's proposed Order; confer with MKD	4.80	\$280.00	\$ 1,344.00
10/22/2017	MKD	Review Ram's Reply; confer with WDD	0.50	\$350.00	\$ 175.00
10/23/2017	WDD	Prepare for and attend hearing on Ram's Motion to Dismiss and special Appearance with MKD; confer with clients re outcome of hearing	5.50	\$280.00	\$ 1,540.00
10/23/2017	MKD	Prepare for and attend hearing on Ram's Motion to Dismiss and Special Appearance with WDD;	5.30	\$350.00	\$ 1,855.00
10/24/2017	WDD	Legal research regarding cas supporting Plaintiff's position per judge's request	1.80	\$280.00	\$ 504.00
10/24/2017	MKD	Conduct research regarding forum selection clause	0.70	\$350.00	\$ 245.00
10/25/2017	WDD	Confer with MKD regarding letter brief per judge's request	0.20	\$280.00	\$ 56.00
10/25/2017	MKD	confer with WDD regarding research for letter brief to judge; conduct research re same	0.80	\$350.00	\$ 280.00
10/26/2017	WDD	Review Ram's letter brief submitted to Judge; conduct research regarding forum selection clause	1.80	\$280.00	\$ 504.00
10/26/2017	MKD	Research for letter brief to Judge; draft letter to Judge Smith	2.50	\$350.00	\$ 875.00
12/13/2017	WDD	Review signed Order Granting Ram's Motion to Dismiss; confer with MKD regarding same; confer with client	0.50	\$280.00	\$ 140.00
12/19/2017	WDD	Confer with MKD regarding state court action against Ram and procedure for going forward; confer with attorney Heskin; confer with client	0.80	\$280.00	\$ 224.00
12/19/2017	MKD	Confer with WDD re further handling of state court action against Ram	0.20	\$350.00	\$ 70.00
			TOTAL FEES	151.40	\$ 46,200.00

TIME SUMMARY

Professional	Hours	Rate	Amount
WDD	97.00	\$280.00	\$ 27,160.00
MKD	54.40	\$350.00	\$ 19,040.00

Expenses

Date	Expense	Price	QTY	Amount
7/18/2017	Online Research in preparation of Petition	\$ 271.00		\$271.00
7/20/2017	Preparation of Citation	\$ 259.00		\$259.00
7/20/2017	E-filing fee - Original Petition	\$ 456.83		\$456.83
7/20/2017	Process Service Fees	\$ 150.60	1	\$150.60
9/6/2017	Westlaw research	\$ 650.59		\$650.59
10/23/2017	Parking at Courthouse	\$ 10.00		\$10.00
11/21/2017	Westlaw research	\$ 828.53		\$828.53
TOTAL EXPENSES				\$2,626.55

TOTAL FOR THIS INVOICE **\$48,826.55**